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BLD-392

September 27, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 07-3789

IN RE: BENNIE E. BARNES,
Petitioner

Present: MCKEE, FUENTES AND VAN ANTWERPEN, CIRCUIT JUDGES

Submitted is petitioner's application pursuant to 28 U.S.C. § 2244 to file a second or successive petition under 28 U.S.C. § 2254

in the above-captioned case.

Respectfully,

Clerk

MMW/SR

ORDER

The foregoing application is denied because the claims Barnes seeks to present in another § 2254 petition do not meet the criteria set forth in 28 U.S.C. § 2244(b)(2).

By the Court,

/s/ Julio M. Fuentes
Circuit Judge

Dated: October 18, 2007
tyw/cc: Mr. Bennie E. Barnes
Roger M. Bauer, Esq.



Marcia M. Waldron
Marcia M. Waldron, Clerk

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

Western (Erie) Clerk of Court
District

Date 10/18/07

In Re: Bennie E. Barnes
(Caption)

C. of A. Nos. 07-3789

Bennie E. Barnes
Petitioner

Enclosures:

10/18/07 Certified copy of C. of A. Order by the Court
(Date)

Record released

XXX Copy of this form to acknowledge receipt and return to C. of A.

Please forward Certified List in Lieu of Record to this office.

The certified copy of order issued as the mandate on
is recalled.

Tonya Wyche (267)-299-4938
Deputy Clerk Telephone Number

Receipt Acknowledge:

(Name)

(Date)

RECEIVED

OCT 22 2007

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA